

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ABIGAIL NOEL FISHER, and)
RACHEL MULTER MICHALEWICZ)
Plaintiffs,) CIVIL ACTION NO. 1:08-CV-00263-88
)
v.)
)
UNIVERSITY OF TEXAS AT AUSTIN,)
et al.,)
Defendants.)
)
)

**MOTION OF LAWRENCE LONGORIA, JR., NATHAN BUNCH AND
TEXAS LEAGUE OF UNITED LATIN AMERICAN CITIZENS
FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF IN
SUPPORT OF DEFENDANTS OUT OF TIME**

COME NOW *amici curiae* Lawrence Longoria, Jr., Nathan Bunch and Texas League of United Latin American Citizens (Texas LULAC) and submit their Motion for Leave to File *Amicus Curiae* Brief in Support of Defendants Out of Time. In support of their Motion, *amici* state as follows:

1. *Amici* Lawrence Longoria, Jr., Nathan Bunch, and Texas LULAC are a Latino student who may enroll in UT Austin, a current Latino student at UT Austin, and a community advocacy organization for Latino citizens, respectively.
2. In its Order of August 8, 2008 this Court denied Longoria, Bunch and Texas LULAC Intervenor status but provided them with the opportunity to file briefs as *amici curiae*. See Dkt. Entry No. 83.
3. It is *amici*'s understanding that this Court asked the brief to be submitted on April 13, 2009—after the conclusion of summary judgment briefing in the case—to file their Brief in

Support of Defendants.

4. Because the final round of summary judgment briefing is now complete, *see, e.g.*, Dkt. Entry No. 98, and it is one day after the Court's April 13, 2009 deadline, out of an abundance of caution *amici* now respectfully seek leave of Court to submit their Brief in Support of Defendants out of time. *See* Exs. A (*Amici Curiae* Brief in Support of Defendants) and B (Exhibits to *Amici Curiae* Brief in Support of Defendants).
5. *Amici curiae* seek leave of Court to file their Brief in Support out of time for good cause. In addition to an already heavy caseload, counsel for *amici* also had briefs due to the Fifth Circuit Court of Appeals on April 8, 2009 in *U.S. v. Texas*, App. No. 08-40858, and to the Ninth Circuit Court of Appeals on April 13, 2009 in *Gonzalez v. Arizona*, App. No. 08-17094.
6. *Amici curiae* assert that granting their Motion for Leave will not harm any party or participant in the litigation and will not cause this Court to unnecessarily expend judicial resources.

WHEREFORE, *amici curiae* respectfully urge this Court to grant their Motion for Leave to File Brief in Support of Defendants Out of Time.

DATED: April 14, 2009

Respectfully submitted,

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CERTIFICATE OF SERVICE

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